No. 489. UNITED STATES SMELTING REFINING & MINING CO. ET AL. *v.* LOWE. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. *Per Curiam:* The petition for writ of certiorari is granted. The Court is of the opinion that a new trial should be granted. Accordingly, without expressing any opinion as to other questions presented, the judgments of the Court of Appeals and the District Court are vacated and the cause is remanded to the District Court with directions to grant a new trial. *Southall R. Pfund* for petitioners. *Blaine Hallock* and *James T. Donald* for respondent. Reported below: 176 F. 2d 813.

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END OF CASE